

**ZONING BOARD OF APPEALS**  
**MEETING MINUTES**

**April 9, 2013**

**4:00 P.M.**

**CALL TO ORDER:** Mr. John Stetler, Chairperson called meeting to order at 4:00 P.M.

**ATTENDANCE:**

**Members Present:** Rick Barnes                      James Moreno  
                                 Deland Davis                      Becky Squires  
                                 Sharon Heisler                      John Stetler

**Members Excused:** Greg Dunn and Carlyle Sims

**Staff Present:** Jill Steele, Deputy City Attorney  
                         Marcel Stoetzel, City Attorney Ofc.  
                         Glenn Perian, Senior Planner  
                         Leona Parrish, Admin. Assistant, Planning Dept.

**ADDITIONS OR DELETIONS TO THE AGENDA:** None

**CORRESPONDANCE:** None

**OLD BUSINESS:** None

*Mr. John Stetler, Chairperson stated the meeting procedure and that everyone present may speak either for or against an appeal. He stated he will ask for a staff report to be read and then open the public hearing. At the public hearing persons may come forward and state their name and address for the record as it is being recorded and then speak either for or against an appeal. The public hearing will then be closed and the zoning board will discuss and make a decision. Mr. Stetler stated if denied the petitioner may appeal to the Circuit Court.*

**NEW BUSINESS:**

**A) Zoning Variance Appeal #Z-02-13:**

Petition from Family Health Center of Battle Creek, Dr. A.J. Jones, 181 W. Emmett Street, Battle Creek, MI 49037. Request is for a dimensional variance to waive the required 10 ft. wide buffer strip for a parking lot and allow it to be 0 ft. wide for three parcels on W. Emmett Street. The parcels are zoned "C-3 Intensive Business District", also known as: 156 W. Emmett St., parcel #3920-00-001-0; #9660-00-011-0; and #0660-00-013-0; application is requested pursuant to Planning and Zoning Code, Chapter 1278.05(a).

Mr. Glenn Perian, Senior Planner outlined the report stating the applicant Dr. A.J. Jones, on behalf of the Family Health Center of Battle Creek, submitted a request for a waiver requiring a 10 ft. buffer for a parking area and street right-of-way that would authorize the construction of an overflow parking lot for Family Health Center. Mr. Perian noted they received recommendation for approval by the Planning Commission for their request for a Special Use Permit to allow for the parking lot; noted that request

will be presented this evening to the City Commission for final approval. Stated they have also received approval from the Historic District Commission and Neighborhood Planning Council. Mr. Perian also noted that in the year of 2010 the appellant was before the Zoning Board and received an approval for a parking lot variance for parcel #5 noted on page 2 in the staff report. Stated the Planning staff has reviewed these conditions and believe that each condition can be justified in an affirmative manner and have provided a rationale for each condition set forth as noted in the staff report for a Dimensional Variance. Therefore, the Planning staff recommends that the Zoning Board of Appeals approve the Dimensional Variance (Z-02-13) based on the findings contained in the staff report.

Mr. Woody Isaacs, Site Planning Consultant, Kalamazoo, MI, was present to speak along with the architect and three others from the Family Health Center. Mr. Isaacs stated they were in complete agreement with the staff report and noted they also wanted to remove the existing curb cut on Emmett Street as they want to divert the traffic to the side streets. Stated he was here today to answer any question and look forward to the board's response to their request.

Mr. Deland Davis asked if the sidewalk would remain. Mr. Isaacs stated, yes.

Dr. A.J. Jones, President & CEO, Family Health Center of Battle Creek, stated he wanted to speak on behalf of the neighbors; said they went door to door and spoke with the neighbors and noted that Ms. Bridget Jones who is the neighbor across the street is pleased and also that the Neighborhood Planning Council had written a letter of support for the parking lot. Said the other neighbors are also very pleased to have the neighborhood cleaned-up with the barber shop and apartment building demolished.

*Mr. John Stetler asked if there were any others here to speak for or against this variance, seeing none he called this public hearing to a close and would entertain a motion.*

**MOTION WAS MADE BY MR. JAMES MORENO TO APPROVE THE DIMENSIONAL VARIANCE REQUEST TO WAIVE THE REQUIRED 10 FT. WIDE BUFFER STRIP FOR AN PARKING LOT AS PRESENTED BASED ON THE FINDINGS NOTED IN THE STAFF REPORT; SUPPORTED BY MR. DELAND DAVIS.**

Discussion:

Ms. Becky Squires stated she commends their project and thanked them for doing a good job in cleaning-up and beautifying the neighborhood.

Mr. James Moreno stated a thank you also for doing such a good job.

Ms. Jill Steele, Deputy City Attorney, asked for a point-of-order regarding if the motion was based on the findings in the staff report. Zoning Board members Mr. Moreno and Mr. Davis agreed and stated; yes it was to be included in their motion.

**MR. JOHN STETLER ASKED FOR ANY ADDITIONAL COMMENTS, SEEING NONE A VOTE WAS TAKEN; ALL IN FAVOR; NONE OPPOSED, MOTION APPROVED.**

**APPROVAL OF MINUTES:**

**MOTION: WAS MADE BY MR. DELAND DAVIS TO APPROVE THE FEBRUARY 12, 2013 ZONING BOARD OF APPEALS MINUTES AS PRESENTED; SUPPORTED BY MR. RICK BARNES.**

**ALL IN FAVOR; NONE OPPOSED, MOTION CARRIED – MINUTES APPROVED.**

**COMMENTS BY THE PUBLIC:** None

**COMMENTS BY THE MEMBERS / STAFF:**

Ms. Becky Squires thanked the board for the get well card.

**ADJOURNMENT:** Meeting was adjourned at 4:13 P.M.

Submitted by: Leona A. Parrish  
Administrative Assistant, Planning Department